

***Human Embryo Adoption:
Biotechnology, Marriage, and the Right to Life***

edited by Rev. Thomas V. Berg and Edward J. Furton

Philadelphia, PA: The National Catholic Bioethics Center,
2006. 347 pages.

This collection offers a well-balanced presentation of ethical arguments for and against a timely and controversial issue among Catholic bioethicists: viz., whether it is permissible for a woman or married couple to adopt cryopreserved embryos produced by another couple through in vitro fertilization (IVF), the genetic parents having renounced their moral obligation to provide these embryos with the possibility of gestation and development into fully actualized human persons. Both this volume and a similar collection to which this reviewer contributed¹ were produced before the publication of the Congregation for the Doctrine of the Faith's instruction *Dignitas personae* On Certain Bioethical Questions, which addresses this issue without levying a definitive *in principle* conclusion against the practice, but rather citing unspecified "problems of a medical, psychological and legal nature."² Despite arguments to the contrary,³ it seems that the Congregation for the Doctrine of the Faith has purposely left open the question of whether one may pursue embryo adoption in good conscience,⁴ assuming perhaps that certain practical hurdles are overcome.⁵ Hence the present volume remains a relevant and valuable contribution to the continued debate among Catholic bioethicists.

The twelve essays that comprise this collection are evenly divided between those who argue that embryo adoption is morally illicit (Pacholczyk, Watt, Tonti-Filippini, Austriaco, Oleson, and Geach) and those who support the practice (Berkman, May,

Brugger, Williams, Ryan, and Barahona, Lucas, and Alea). All but two essays in the latter category also support embryo *rescue*, in which a woman agrees to gestate a cryopreserved embryo who will be adopted once born by another couple. Most of the contributors have written previously on this topic in various scholarly venues. This volume thus offers an excellent representation of the arguments and positions that have informed and influenced the current debate. Readers may be curious as to how this text compares to the similar collection edited by Sarah-Vaughan Brakman and Darlene Fozard Weaver. With appropriate humility—as I am a contributor to the latter volume—I wish to cite a few additional viewpoints Brakman and Weaver offer that are lacking in the Berg/Furton collection: 1) a wider theological discussion that goes beyond sexual morality and the "theology of the body," including a theology of *adoption* (Weaver);⁶ 2) personal witnesses from a mother and father who have adopted embryos (Stanmeyer and Stanmeyer); and 3) practical recommendations for how a Catholic embryo adoption agency may function in line with the Church's teachings (Berkman and Carey). These points are not intended to assert that the Brakman/Weaver volume surpasses Berg and Furton's; rather, I have found that both texts *together* offer readers a thorough survey of the relevant viewpoints that merit further discussion to settle the question of whether couples—or individual women in the case of rescue—may licitly act in order to save human embryos from the indignity of perpetual cryopreservation or eventual destruction.

The Linacre Quarterly 78(2) (May 2011): 232–240.

© 2011 by the Catholic Medical Association. All rights reserved.

0024-3639/2011/7802-0013 \$.30/page.

I will now address various points in the essays that Berg and Furton have commissioned. John Berkman supports embryo adoption based on the central claims that it satisfies the requirements of being a “virtuous parent” insofar as the adoptive couple has a “permanent concern for the physical, emotional, moral, and spiritual welfare of the child” (24), and it does not violate the adoptive couple’s marital union insofar as the process of receiving and gestating an embryo in this fashion in no way constitutes a “marital act.” Berkman is critical, though, of a single woman rescuing an embryo without the commitment to adopt and raise the child once born, labeling such an act a form of “surrogacy” in which “the rescuer—to put it bluntly—intends premeditated child abandonment” (32). Would such a woman “abandon” the child she has rescued, however, if she has pre-arranged for another couple to adopt the child immediately upon birth? While there may be reasons to reject embryo rescue as a form of illicit surrogacy, “premeditated abandonment” cannot be one of these reasons if a loving couple is ready to welcome the child. As Fr. Peter Ryan contends, a woman who rescues an embryo “should intend to do what she reasonably can to make sure the child is cared for and brought up properly.... But she need not plan to fulfill that responsibility by raising the child herself” (318). I would advocate a stricter requirement that the woman *ensure* that the child be adopted and raised by parents who have agreed to take on this responsibility before any embryos are implanted; of course, the prospective adoptive parents—for justifiable or unjustifiable reasons—may back out of the arrangement during gestation, but such a decision would not impugn the rescuer’s initial motive when she had the embryos implanted.

Fr. Tadeusz Pacholczyk objects to embryo adoption, in part, by suggesting an expansive definition of “procreation” that does not cease with fertilization, but continues throughout gestation as an ontological extension of the conjugal act by means of which fertilization occurred (43). This way of redefining “procreation” seems *ad hoc* since Catholic bioethicists typically

understand a human embryo—in utero, in vitro, or frozen—to be a *wholly present*, even if not fully actualized, human being; there is nothing further to complete with respect to the embryo’s basic existence as a being with the same ontological and moral status as you or I have. What gestation, and later child-rearing, offers is a supportive environment for the embryo/fetus/child to actualize her intrinsic potentialities. If the procreative act is to be extended throughout gestation, then why stop at birth, since a newborn infant remains fundamentally dependent on her parents to provide the means of her continued survival, development, and flourishing? Similar points are raised by E. Christian Brugger (202–203). If the procreative act, as Fr. Pacholczyk defines it, cannot be assumed by another individual or couple through embryo adoption, postnatal adoption is in danger of being rendered morally illicit as well. At the end of his essay, Fr. Pacholczyk considers the case of a couple who utilizes IVF to resolve their infertility issues, but when the wife returns to the clinic to have some of the embryos implanted, she repents of having created embryos in this manner. What should she do now? Fr. Pacholczyk contends that “the morally proper step for her would be to leave the clinic, even though these embryos, of which she is the genetic mother, are in fact her own children” (51). An intuitive reading of this situation would label such an act a more true form of *abandonment* than what Berkman is concerned with in his rejection of embryo rescue.

The licitness of *homologous* embryo transfer is another divisive point among Catholic bioethicists in this debate: Fr. Pacholczyk and Nicholas Tonti-Filippini reject it, while Helen Watt and Fr. Nicanor Austriaco, who both object to embryo adoption, allow for it. In line with Fr. Pacholczyk’s judgment that even the *genetic* mother of embryos produced in vitro may not licitly have them implanted in her body, Tonti-Filippini’s recommended “solution” to the plight of cryopreserved embryos is to remove them from storage and allow them to die from lack of a nourishing and supportive environment (112), claiming that this is

a “natural” way to resolve the issue insofar as embryos would be exposed to the natural effects of time from which they had been artificially sheltered by the frozen environment. A death that comes in vitro, however, isolated from any physical human connection, and in which an embryo is merely allowed to return to a natural temperature, is far from being in accordance with nature in the sense intended by the natural law mandate to protect and provide for the natural human inclination to live—and so a “fundamental right to gestation” is defended by Fr. Thomas Williams (236). When a frozen embryo is deliberately removed from storage without any subsequent implantation, there can be little doubt that the outcome will inevitably result in death; Mónica López Barahona et al. thus argue, “An act of thawing that is not followed by transfer into a womb does not *let* the embryo die, but actively *causes* its death” (285). Furthermore, *Donum vitae* asserts, “It is therefore not in conformity with the moral law deliberately to expose to death human embryos obtained *in vitro*”—to be clear, this passage is referring to scientific experimentation, yet it is not difficult to see how the principle may be extended to any other practice that knowingly exposes embryos to death.

Due to the Congregation for the Doctrine of the Faith’s ambiguous judgment regarding embryo adoption in *Dignitas personae*—with subsequent “clarifications” by the United States Catholic Bishops and the Pontifical Academy for Life having failed to close the window of interpretation—the arguments, objections, and responses generated by the contributors to this volume, the Brakman/Weaver volume, and other scholarly venues will remain relevant touchstones for deliberation so long as the IVF industry continues to produce “spare” embryos who are subject

to cryopreservation and move the hearts of pro-life individuals and couples who ardently desire to save them from this “absurd fate.”

Jason T. Eberl, Ph.D.
Associate Professor of Philosophy
Indiana University-Purdue University
Indianapolis
Indianapolis, Indiana

Notes

¹ Sarah-Vaughan Brakman and Darlene Fozard Weaver, *The Ethics of Embryo Adoption and the Catholic Tradition: Moral Arguments, Economic Reality and Social Analysis* (New York: Springer, 2007).

² Congregation for the Doctrine of the Faith, instruction *Dignitas personae* On Certain Bioethical Questions (2008), http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20081208_dignitas-personae_en.html.

³ Christopher Oleson, “*Dignitas personae* and the Question of Heterologous Embryo Transfer,” *Linacre Quarterly* 76 (2009): 133–149.

⁴ Edward J. Furton, “Embryo Adoption Reconsidered,” *National Catholic Bioethics Quarterly* 10 (2010): 329–347; Stephen Napier, “Moral Justification and Human Acts: A Reply to Christopher Oleson,” *Linacre Quarterly* 72 (2009): 150–162.

⁵ John S. Grabowski and Christopher Gross, “*Dignitas personae* and the Adoption of Frozen Embryos,” *National Catholic Bioethics Quarterly* 10 (2010): 307–328.

⁶ See also Christopher Tollefsen, “Divine, Human, and Embryo Adoption,” *National Catholic Bioethics Quarterly* 10 (2010): 75–85.

⁷ Congregation for the Doctrine of the Faith, instruction *Donum vitae* On Respect for Human Life in Its Origin and on the Dignity of Procreation (1987), I, n. 5, http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19870222_respect-for-human-life_en.html.